

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 3, between lines 14 and 15, begin a new line block indented
- 2 and insert:
- 3 **"(17) The impact of the crime on the members of the victim's**
- 4 **family."**
- 5 Page 3, line 40, after "hearing" insert **", including evidence of the**
- 6 **defendant's criminal history"**.
- 7 Page 4, delete lines 6 through 20, begin a new paragraph and insert:
- 8 "(e) Except as provided by IC 35-36-9, if the hearing is by jury, the
- 9 jury shall recommend to the court whether the death penalty or life
- 10 imprisonment without parole, or neither, should be imposed. The jury
- 11 may recommend:
- 12 (1) the death penalty; or
- 13 (2) life imprisonment without parole;
- 14 only if it makes the findings described in subsection (k). ~~The court shall~~
- 15 ~~make the final determination of the sentence; after considering the~~
- 16 ~~jury's recommendation; and the sentence shall be based on the same~~

1 standards that the jury was required to consider. The court is not bound
2 by the jury's recommendation. In making the final determination of the
3 sentence after receiving the jury's recommendation, the court may
4 receive evidence of the crime's impact on members of the victim's
5 family. **If the jury unanimously reaches a sentencing**
6 **recommendation, the court shall sentence the defendant**
7 **accordingly."**

(Reference is to HB 1179 as introduced.)

and when so amended that said bill do pass.

Representative Dvorak